

## **REMARKS**

Claims 1-42 are pending. Claims 1, 2, 14, 21, 32 and 37 have been amended.

### **5 Petition for Extension of Time**

A petition for a three (3) month extension of time and the extension of time fee is included with this amendment.

Applicant respectfully requests approval of this petition.

### **10 Fees**

It is not believed that any further fees are necessary at this time. However, in the event additional fees are required, Applicants authorize the Commissioner to charge any necessary fees, including those under 37 CFR 1.16 and 1.17, to deposit account 50-0913.

### **15 A Brief Review of One Embodiment of Applicants' Invention**

In one embodiment of Applicants' invention, a gaming device includes at least one bonus display that may have a plurality of bonus prize displays and at least one moveable indicator. The indicator is preferably adapted to move relative to the bonus prize displays and selectively indicate at least one of the bonus prize displays by moving proximate the position of the indicated bonus prize display. A player input device allows the player to stop the moveable indicator. A controller is in communication with the moveable indicator. The controller is configured to detect a bonus activating event, determine a bonus prize, and cause a bonus prize display proximate the moveable indicator to convey the bonus prize (see figures 1-3 and pages 9-13).

In another embodiment of Applicants' invention, a method of playing a game is disclosed. The method includes providing several bonus prize displays. Each bonus prize display may be configured to display a bonus prize. A player is allowed to place a wager and play a game. A player input device may be provided and a bonus activating event may be produced. A moveable bonus indicator is provided and the player is allowed to stop the moveable bonus indicator by providing input through the player input device. At least one of the bonus prize displayed is indicated using the moveable bonus indicator. A bonus prize may be determined and awarded to the player (see figures 4 and 7 and pages 11-13 and 16-17).

#### 10 **Specification Objection**

The title was objected to as not being descriptive. The title has been amended to a new more descriptive title. Withdrawal of the objection is respectfully requested.

#### **Claim Objections**

15 Claims 1-2, 14, 21, 32 and 37 were objected to because of several informalities. The claims have been amended to correct the informalities. Withdrawal of these objections are respectfully requested.

#### **Rejection under 35 U.S.C. § 112**

20 The Office rejected claims 37-42 under 35 U.S.C. §112 as being indefinite. Claim 37 has been amended to more clearly recite the invention. Withdrawal of the 112 rejection is respectfully requested.

### **Double Patenting Rejection**

The Office rejected claims 1-42 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-25 of U.S. patent number 6,609,972.

Applicants respectfully traverse this rejection. The present claims are patentably distinct  
5 from those of U.S. patent number 6,609,972 (the '972 patent). The claims of the present application recite some elements that are not included in the '972 patent. For example, in the present application the bonus prize displays are recited individually instead of being grouped in sets as in the '972 patent. This difference renders the claims patentably distinct.

In the interest of expediting prosecution, a terminal disclaimer is submitted without  
10 prejudice. The terminal disclaimer fee is also enclosed.

Withdrawal of the double patenting rejection is respectfully requested.

### **Rejection under 35 U.S.C. § 103(a)**

The Office rejected claims 1-42 under 35 U.S.C. §103(a) over Baerlocher (U.S. Patent  
15 6,572,473). Applicants respectfully traverse this rejection.

### **Official Notice**

On pages 6-9 of the office action, it is stated in several places that several elements and features of the currently pending claims are obvious and well known. However, no references  
20 are cited. For example on page 6, lines 4-10 the office action states that it would have been obvious to implement a game program capable of performing steps a-d of claim 1.

Further on page 7, line 10 of the office action, "Official Notice" is taken that the use of a drive mechanism including a worm gear and a motor to drive a mechanical bonus indicator are well known in the art. No references are cited.

If the examiner is relying on personal knowledge in this instance, the examiner is respectfully requested to provide an affidavit in support of each of the unsupported statements made in the present office action as required under 37 CFR 1.104(d)(2).

Applicants respectfully request the Office to withdraw the §103(a) rejection.

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Affidavit under 37 C.F.R. 1.131

The cited reference, Baerlocher, has an effective filing date of October 6, 2000.

The present application claims priority to U.S. provisional patent application serial number 60/241,385, filed on October 17, 2000, just eleven days after the filing date of

10 Baerlocher.

A declaration under 37 C.F.R. 1.131 is enclosed that establishes that the present invention antedates Baerlocher. As stated in the enclosed declaration, the present invention was reduced to practice prior to October 6, 2000. Exhibit A of the declaration comprises copies of computer drawings that provide documentary evidence of the reduction to practice of the invention prior to  
15 October 6, 2000. The elements claimed in the present application are illustrated in the drawings and the declaration clearly states that the invention was reduced to practice in a working gaming device prior to October 6, 2000.

Since, applicants reduced the present invention to practice prior to October 6, 2000, Baerlocher is not prior art to the present application. Applicants respectfully request withdrawal  
20 of §103(a) rejection.


**Conclusion**

For all of the above reasons, the Applicants submit that the present application is in condition for allowance. If the Examiner has any questions regarding the application or amendment, the Examiner is encouraged to call the Applicants' attorney at (775) 826-6160.

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Respectfully Submitted,

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